

[No Report.]

IN THE HOUSE OF REPRESENTATIVES,

JULY 6, 1852.

Read twice, and committed to the Committee of the Whole House on the state of the Union.

Mr. OLDS, from the Committee on Post Offices and Post Roads, reported the following bill :

A BILL

For the better protection of the revenues of the Post Office Department, and for other purposes.

1 *Be it enacted by the Senate and House of Represen-*
2 *tatives of the United States of America in Congress*
3 *assembled,* That no collector or other officer of the cus-
4 toms shall permit any ship or vessel, arriving within any
5 port or collection district of the United States, to make
6 entry or break bulk until all letters on board the same shall
7 be delivered into the post office at or nearest said port or
8 place, nor until the captain or commander of such ship or
9 vessel shall have signed and sworn to a declaration before
10 such collector or officer of the customs, in the form and to
11 the effect following; that is to say :
12 “ I, A. B, commander of the (state the name of the

13 ship or vessel), arriving from (state the place), and now
14 lying in the port of (state the name of the port), do, as re-
15 quired by law, solemnly swear (or affirm as the case may
16 be) that I have, to the best of my knowledge or belief,
17 delivered or caused to be delivered into the post office at
18 or nearest said port, every letter and every bag, parcel or
19 package of letters that were on board the (state the name
20 of the ship or vessel) during her last voyage, and that I
21 have so delivered or caused to be delivered all such letters,
22 bags, parcels and packages as were in my possession or
23 under my power or control."

24 And the collector, and every officer of the customs at
25 every port, without special instructions, and every special
26 agent of the Post Office Department, when instructed by
27 the Postmaster General to make examinations and seizures,
28 shall carefully search every vessel for letters which may
29 be on board, or have been carried or transported contrary
30 to law ; and each and every of such officers and agents,
31 and every marshal of the United States and his deputies,
32 shall at all times have power to seize all letters, and pack-
33 ages and parcels containing letters, which shall have been
34 sent or conveyed contrary to law on board any ship or
35 vessel, or on or over any post route of the United States,
36 and to convey such letters to the nearest post-office ; or
37 may, if the Postmaster General and the Secretary of the

38 Treasury shall so direct, detain the said letters or any part
39 thereof until two months after the trial and final determi-
40 nation of all suits and proceedings which may at any time,
41 within six months after such seizure, be brought against
42 any person for sending or carrying or transporting any
43 such letters contrary to any provision of any act of Con-
44 gress ; and one-half of any penalties that may be recov-
45 ered for the illegal sending, carrying or transportation of
46 any such letters shall be paid to the officer so seizing, and the
47 other half to the use of the Post Office Department; and
48 every package or parcel so seized, in which any letter shall
49 be concealed, shall be forfeited to the United States, and the
50 same proceedings may be had to enforce such forfeiture
51 as are authorized in respect to goods, wares and merchan-
52 dise forfeited by reason of any violation of the revenue
53 laws of the United States ; and all laws for the benefit and
54 protection of officers of the customs seizing goods, wares
55 or merchandise for a violation of any revenue law of the
56 United States, shall apply to the officers and agents making
57 seizures by virtue of this act.

1 SECT. 2. *And be it further enacted,* That it shall not
2 be lawful for any person, other than the captain or com-
3 mander of such ship or vessel, to carry or transport any
4 letter or packet, or parcel containing letters, on board of
5 any ship or vessel which shall sail from or be bound to

6 any port or place in the United States, at or within three
7 miles of which there shall be any post office of the United
8 States; and all passengers and other persons on board
9 such ship or vessel shall deliver all letters and packages
10 and parcels containing a letter or letters to such captain
11 or commander, as soon as practicable after the receipt
12 thereof, or after their arrival on board such ship or vessel;
13 and for every violation of this provision a penalty of one
14 hundred dollars is hereby imposed, to be recovered by pre-
15 sentment, by information or qui tam action, one-half for
16 the use of the informer, and one-half for the use of the
17 Post Office Department. And it shall be the duty of such
18 captain or commander, within twenty-four hours after his
19 arrival at any port of the United States, within three miles
20 of which there shall be a post office, to deliver all letters
21 and packages and parcels, containing letters in his custody,
22 power or control, into the post office at or nearest said
23 port; and every such captain or commander who shall
24 refuse or wilfully neglect to deliver the same, as aforesaid,
25 shall forfeit the sum of five hundred dollars, and he shall
26 also forfeit double the amount of postage which would
27 have been chargeable on such letters if so delivered as
28 aforesaid, either or both of which may be recovered in any
29 court having cognizance thereof, one-half of which shall

30 be for the use of the party prosecuting for the same, and
31 the other half for the use of the Post Office Department.

1 SECT. 3. *And be it further enacted*, That any pro-
2 prietor, member or agent of any express company, or other
3 company engaged in the transportation of packages or
4 parcels, for hire, or any other person engaged in such
5 transportation, whether as principal or agent, or tempo-
6 rarily or otherwise, who shall carry or cause to be carried,
7 in violation of any act of Congress, upon or over any post
8 road, or between any ports or places within the United
9 States, or between any port in the United States and any
10 port in any foreign country between which the mails of
11 the United States are carried, any letter or communication
12 in writing, or shall knowingly carry or cause to be carried
13 any package or parcel containing any letter or letters, or
14 other paper or papers in writing, or partly written and
15 partly printed, conveying information of any kind what-
16 ever, shall, in addition to the penalties by this act, or at
17 any time heretofore prescribed for such offence, be deemed
18 guilty of a misdemeanor, and on conviction thereof shall
19 be subject to imprisonment for a term not exceeding three
20 months, and to pay a fine not exceeding five hundred dol-
21 lars for every such offence.

1 SECT. 4. *And be it further enacted*, That every con-
2 tractor for carrying the mails of the United States, by land

3 or water, and every agent or employee of such contractor
 4 who shall knowingly transport over all or any portion of
 5 the route of said contractor, any proprietor, member, agent
 6 or messenger of any express company, or any person en-
 7 gaged in the transportation of parcels or packages for hire,
 8 while such contractor shall know or have good reason to
 9 believe that such proprietor, member, agent, messenger or
 10 person carries or is engaged in carrying letters or parcels
 11 or packages containing a letter or letters on the route of
 12 the said contractor or any part thereof, in violation of any
 13 law of the United States, or shall knowingly carry any
 14 boxes, bags, trunks, packages or parcels belonging to or
 15 in the custody of such proprietor, member, agent, messen-
 16 ger or person, which he shall know or have reason to sus-
 17 pect contains any letter or letters, such contractor shall be
 18 guilty of a misdemeanor, and on conviction thereof shall
 19 be liable to a fine not exceeding one year's pay of such
 20 contractor ; and the Postmaster General shall have power,
 21 upon such conviction, by an instrument in writing, under
 22 his hand and seal, to declare the contract for the transpor-
 23 tation of the mail by such contractor null and void from
 24 such time as he may designate in such instrument.

1 SECT. 5. *And be it further enacted,* That in respect
 2 to any moneys which have come or shall hereafter come
 3 into the possession or custody of any of the agents of the

4 Post Office Department, or any of the officers of the
5 United States, or shall have been paid to the order of the
6 Postmaster General, as provided in the second section of
7 the act entitled " An act to amend the act entitled An act
8 to reduce the rates of postage, to limit the use and correct
9 the abuse of the franking privilege, and for the prevention
10 of frauds on the revenues of the Post Office Department,"
11 passed third day of March, eighteen hundred and forty-five,
12 approved March first, eighteen hundred and forty-seven, it
13 shall be lawful for the Postmaster General to receive all
14 such information and statements, under oath or otherwise,
15 from the special agents of the department, the claimants,
16 and all other persons, as he may deem proper, whether the
17 same would or would not be competent evidence in a court
18 of justice ; and he may, after having given to the claimants,
19 by publishing the same as often as once a week for three
20 months in such and so many public newspapers as he may
21 direct, a notice to come in and substantiate their claims,
22 make an order for the payment thereof to such person or
23 persons, and in such proportions as he may deem just and
24 proper, notwithstanding there may be no certain conclusive
25 evidence of the ownership of the same ; and when such an
26 order shall be examined, and the same approved by the
27 Attorney General, by an instrument under the hand of

28 such Attorney General, such moneys shall be distributed
29 according to such order.

1 SECT. 6. *And be it further enacted*, That the Post-
2 master General may from time to time, by and with the
3 advice and consent of the President, make any arrange-
4 ment which may be deemed just and expedient, for allow-
5 ing the mails of Canada, or of any other province, State,
6 or country adjoining the United States, to be carried or
7 transported at the expense of the province, State, or coun-
8 try to which such mails belong, over any part or portion
9 of the territory of the United States, from one point in the
10 province, State, or country to which such mails belong, to
11 any other point in the same, upon obtaining the same
12 privileges for the transportation of the mails of the United
13 States through the province, State or country to which
14 such privilege shall be granted: *Provided*, That such pri-
15 vileges may at any time be annulled by the President of
16 the United States, or by joint resolution of the two Houses
17 of Congress, from and after the expiration of one month
18 next succeeding the day on which the notice of the act of
19 the President or of the joint resolution of the two Houses
20 shall be given to the chief executive officer or head of the
21 Post Office Department of the province, State or country
22 whose privilege is to be thereby annulled.

1 SECT. 7. *And be it further enacted*, That every mail

2 of any province, State or country, having the privilege au-
3 thorized to be granted in and by the next preceding sec-
4 tion, shall, while in the territories of the United States, be
5 deemed and taken to be a mail of the United States, so far
6 as to make any violation thereof or any depredation
7 thereon, or any act or offence in respect thereto or any
8 part thereof, which would be punishable under the existing
9 laws of the United States, in case the same had been a
10 mail or part of a mail of the United States, an offence of
11 the same grade and punishable in the same manner and to
12 the same extent as though the said mails were those of
13 the United States, and in any indictment for such act or
14 offence, the said mails or any part thereof may be alleged
15 to be, and on the trial of any such indictment they shall be
16 deemed and held to be mails or parts of mails of the United
17 States.

1 SECT. 8. *And be it further enacted*, That the Post-
2 master General be authorized to contract or make other
3 arrangements for the transportation of mails of the United
4 States through any foreign country, and also for the trans-
5 portation of such transient or other vessels as may be run-
6 ning between ports of the United States and foreign ports,
7 or between foreign ports, in cases where there are no con-
8 tracts or arrangements therefor, and to provide for the

9 collection, by pre-payment or otherwise, of such postages
10 as may be due to the United States on such letters and
11 other mailable matter as may be sent under such arrange-
12 ments and contracts, either in the United States or at such
13 foreign ports, and for that purpose to use and employ as
14 agents the several consuls of the United States, or such
15 other persons as he may think fit : *Provided*, That no ar-
16 rangement shall be made which will violate the laws pre-
17 vailing in such foreign ports or countries, or any treaty of
18 the United States, and that the whole compensation to be
19 paid for the transportation of such letters and mailable
20 matter, shall in all cases be so limited by the terms of such
21 contracts or arrangements, as not to exceed the whole
22 amount of the postage chargeable upon the letters and
23 mailable matter carried under the same.

1 SECT. 9. *And be it further enacted*, That the Post-
2 master General shall be, and he is hereby authorized to
3 provide and furnish to all postmasters and other persons
4 applying and paying therefor, suitable letter envelopes,
5 with such water marks and other guards against counter-
6 feits as he may deem expedient, and with one or more
7 suitable postage stamps, with such device and of such de-
8 nominations and value as he may direct, printed or im-
9 pressed thereon, which envelopes shall be sold at the cost
10 of procuring and furnishing the same, as near as may be,

11 with the addition of the value or denomination of the
12 postage stamps so printed or impressed thereon or attached
13 thereto as aforesaid ; and letters, when enclosed in such
14 envelopes, with postage stamps printed or impressed
15 thereon, (the postage stamp or stamps in every such case
16 being of the value, denomination, or amount required to
17 prepay the postage which would be chargeable on such
18 letters and envelopes, if sent by mail, to the place of their
19 destination, under the provisions of the laws then in force,
20 and such stamps and envelopes not having been used be-
21 fore,) shall pass in the mails as pre-paid letters ; and all
22 letters enclosed in such envelopes as shall be provided and
23 furnished by the Postmaster General, as first in this sec-
24 tion prescribed, and with postage stamps thereon as afore-
25 said, (and such postage stamps on such envelopes being
26 equal in value and amount to the rates of postage to which
27 such letters would be liable, if sent by mail, and such post-
28 age stamps and envelopes not having been before used,)
29 may be sent, conveyed and delivered otherwise than by
30 post or mail, notwithstanding any prohibition thereof under
31 any existing law : *Provided*, That the said envelope shall
32 be duly sealed, or otherwise firmly and securely closed, so
33 that such letter cannot be taken therefrom without tearing
34 or destroying such envelope, and the same duly directed
35 and addressed, and the date of such letter, or of the receipt

36 or transmission thereof to be written or stamped, or other-
37 wise appear on such envelope.

1 SECT. 10. *And be it further enacted*, That the Audi-
2 tor of the Treasury for the Post Office Department may,
3 under such regulations and restrictions as the Postmaster
4 General shall prescribe, allow to every postmaster whose
5 office was not established until after the first day of July,
6 one thousand eight hundred and fifty, or whose commis-
7 sions, in consequence of the increase of labor and business
8 at his office, shall have equalled or exceeded the commis-
9 sions allowed at such office, for the year ended on the
10 thirtieth day of June, one thousand eight hundred and fifty-
11 one, such compensation, in addition to his legal commis-
12 sions as will, in the judgment of such auditor, make the
13 compensation of such postmaster equal, as near as may be,
14 to the compensation of other postmasters in the same sec-
15 tion of the country whose labors are the same as his, and
16 who are entitled to an additional allowance under the sixth
17 section of the act entitled " An act to reduce and modify
18 the rates of postage in the United States, and for other
19 purposes," approved March third, eighteen hundred and
20 fifty-one, and under the orders of the Postmaster General,
21 made in pursuance of the provisions of said sixth section
22 of the act aforesaid.

1 SECT. 11. *And be it further enacted*, That all fines

2 and penalties imposed for any violation of any law relating
3 to the Post Office Department shall, when collected or
4 recovered, be paid into the treasury to the credit of the
5 United States, for the use of the Post Office Department,
6 excepting, however, such part thereof as may by law be-
7 long to the party informing or prosecuting for the same.

H. R. 294—3